



Pacific PEER

Public Employees for Environmental Responsibility

December 23, 2021

National Freedom of Information Officer
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW (2822T)
Washington, DC 20460

RE: FREEDOM OF INFORMATION ACT REQUEST

Dear FOIA Officer:

In an October 14, 2021 email sent on her behalf to employees of the Office of Chemical Safety and Pollution Prevention (OCSPP), U.S. Environmental Protection Agency (EPA) Assistant Administrator Michal Freedhoff wrote:

“Last month, with the support of an independent contractor, OCSPP launched a workplace climate assessment of the NCD [New Chemicals Division] to capture feedback from employees and management about any potential workplace barriers and opportunities for organizational improvement. This effort will expand to other parts of OCSPP over the coming months.

OCSPP leadership will use the feedback collected through this effort to understand, evaluate, and, if necessary, make changes in OCSPP’s work practices and culture in order to promote collaboration and enhance the science that OCSPP uses in our program decision making.”

It is our understanding that the referenced independent contractor, Federal Consulting Group (FCG), sent out a survey instrument followed by a series of “listening sessions” and one-on-one interviews.

Pursuant to the Freedom of Information Act, 5 U.S.C. 552, as amended, Public Employees for Environmental Responsibility (PEER), requests information concerning this OCSPP Workplace Climate Assessment. Specifically, we request the following:

1. The contractor report summarizing the results of the Climate Assessment employee survey;
2. The contractor report summarizing the results of the Climate Assessment listening sessions and employee interviews;
3. Any contractor reports summarizing survey or interview feedback from former OCSPP or NCD employees;



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4. Decision documents describing the basis for engaging a contractor to conduct this Climate assessment and the method OCSPP would apply to utilize the results; and
5. The amount of funds EPA expended to engage the contractor(s) to conduct this Climate Assessment, as well as any estimate of the amount of staff time OCSPP devoted to the survey, sessions, interviews, and analyses of same.

For any documents or portions of documents that you block release due to specific exemption(s) from the requirements of the Freedom of Information Act, please provide an index itemizing and describing the documents or portions of documents withheld. The index should, pursuant to the holding of Vaughn v. Rosen (484 F.2d 820 [D.C. Cir. 1973] cert. denied, 415 U.S. 977 [1974]), provide a detailed justification for claiming a particular exemption that explains why each such exemption applies to the document or portion of a document withheld.

PEER requests that all fees be waived because “disclosure of the information is in the public interest . . . and is not primarily in the commercial interest of the requestor” (5 U.S.C. 552 (a) (4)(A)). Disclosure of these records is in the public interest for the following reasons:

1. The records concern the operations or activities of the Government.

The FOIA request is, by its terms, limited to identifiable activities of EPA employees and contractors and, thus, the requested records concern operations or activities of the Government.

2. The disclosure of the requested records is likely to contribute to public understanding of these operations or activities.

The requested documents concern the process for conducting risk assessments for both new and existing chemicals required under the 2016 Toxic Substances Control Act (TSCA) amendments (aka, the Frank Lautenberg Act). The stated purpose of the Climate Assessment that is the subject of this request is to provide a better idea of how well hazard assessments for both new and existing chemicals are implemented from the point of view of the scientists and other specialists actually doing the work.

This information will provide the public with a much deeper understanding of impediments to successful implementation of this important public health program. It will also provide some insight into OCSPP funding priorities, given its previous statements about serious funding shortfalls and staff shortages.

3. The release of these requested records will contribute significantly to public understanding of the governmental activities.

The OCSPP hazard identifications and risk conclusions which are the subject of this request are of great significance to both consumer and the workplace safety. Occupational diseases caused by industrial chemicals result in an estimated annual 50,000 to 70,000 deaths, and 350,000 cases of illness in the United States.



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The nature of the information should allow the public to better understand to what extent these risks are being accurately and comprehensively assessed – matters bearing directly on key public health protections. In addition, the information will help the public more clearly see to what extent the 2016 TSCA amendments are being successfully implemented and what steps are needed to achieve better results, as identified by the affected staff.

The information will also enable the public to ascertain whether reforms already proposed by OCSPP are effective or whether additional steps are required.

PEER intends to provide the requested information to members of Congress and its relevant committees. We also intend to disseminate it to the general public through —

- Release to the news media;
- Posting on the PEER web page which draws between 1,000 and 10,000 viewers per day; and
- Publication in the PEER newsletter that has a circulation of approximately 20,000, including 1,500 environmental journalists.

Through these methods, PEER generates an average of 1.5 mainstream news articles per day. Moreover, there has already been extensive media coverage on the adequacy of chemical risks assessments now being conducted by OCSPP.

4. *Disclosure would not serve a commercial interest of the requestor.*

Disclosure is in no way connected with any commercial interest of the requestors in that PEER is a nonprofit, nonpartisan public interest organization concerned with upholding the public trust through responsible management of our nation's resources and with supporting professional integrity within public land management and pollution control agencies. To that end, PEER is designated as a tax-exempt organization under section 501(c)(3) of the Internal Revenue code.

If you have any questions about this FOIA request, please contact me at (510) 213-7028. I look forward to receiving the agency's final response within 20 working days.

Cordially,

Jeff Ruch
PEER Pacific Director